

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Johnson on March 28, 2008.

The application has been amended as follows:

Claims 1 – 4, 7 – 10 and 12 – 13 are amended to read as follows:

1. An immunostimulant milk product obtained by a method comprising:
  - a) carrying out bioconversion of a milk substrate with a *Bifidobacterium* culture by contacting said culture with said milk substrate under conditions unfavorable to fermentation by the *Bidifobacterium* to result in an immunostimulant milk product;
  - b) sterilizing and/or desiccating the resulting milk product such that the product does not contain live bacteria.
2. The milk product of claim 1, wherein step a) comprises contacting *Bifidobacterium* at the rate of  $1 \times 10^7$  to  $1 \times 10^9$  CFU per ml of milk substrate, allowing bioconversion of the

milk substrate to occur without fermentation, wherein the end population of *Bifidobacterium* is  $1 \times 10^5$  to  $1 \times 10^9$  CFU per ml of resulting milk product.

3. The milk product of claim 1, wherein the pH of the milk substrate during step a) is 6.3 – 7, and the pH of the resulting milk product is 6 – 7.
4. The milk product of claim 1, wherein the time sufficient to effect bioconversion is 6 – 24 hours.
7. The milk product of claim 1, wherein the pH of the resulting milk product is 6 – 7.
8. The milk product of claim 7, wherein it is a milk food.
9. The milk product of claim 8, wherein the milk food has a pH of 6 – 7.5.
10. The milk product of claim 9, wherein the milk food has a pH of 6.5 – 6.9.
12. The milk product of claim 1, wherein the product is a dehydrated milk food.
13. The milk product of claim 1, wherein the product is a sterilized milk food.

Claims 14 – 15 are canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth A. Davis whose telephone number is 571-272-0915. The examiner can normally be reached on M-F 7:00 -3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ruth A. Davis/  
Primary Examiner, Art Unit 1651

March 28, 2008